

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION

MDL No. 2817
Case No. 18-cv-00864

This Document Relates To:

Hon. Robert M. Dow, Jr.
Magistrate Judge Jeffrey T. Gilbert

*Motor Vehicle Software Corporation v. CDK
Global, LLC et al.*, Case No. 1:18-CV-00865
(N.D. Ill.)

**DECLARATION OF MICHAEL N. NEMELKA IN SUPPORT OF
PLAINTIFF MVSC'S OPPOSITION TO
DEFENDANT REYNOLDS'S MOTION TO BAR**

I, Michael N. Nemelka, pursuant to 8 U.S.C. § 1746, declare as follows:

1. I am a partner with the law firm of Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. in Washington, D.C., which is MDL Co-Lead Counsel in the above captioned case. I respectfully submit this declaration in support of Plaintiff Motor Vehicle Software Corporation's ("MVSC") Opposition To Defendants' Motion To Bar.

2. Attached as **Exhibit 1** is a true and correct copy of the Second Amended Complaint, *MVSC v. CDK Global, Inc.*, No. 17-cv-896 (C.D. Cal.), Dkt. 76.

3. Attached as **Exhibit 2** is a true and correct copy of Plaintiffs' Exhibit 498 to the deposition of Jonathan Strawsburg (Bates-stamped REYMDL00118362).

4. Attached as **Exhibit 3** is a true and correct copy of the letter from Jed Glickstein to Michael Nemelka (November 30, 2018).

5. Attached as **Exhibit 4** is a true and correct copy of the email from Leo Caseria to Michael Nemelka (November 9, 2019).

6. Attached as **Exhibit 5** is a true and correct copy of excerpts from the transcript of the deposition of Joseph Nemelka (November 14, 2018).

7. Attached as **Exhibit 6** is a true and correct copy of Plaintiffs' Exhibit 550 to the deposition of Robert Karp (Bates-stamped CDK-2884307).

8. Attached as **Exhibit 7** is a true and correct copy of Plaintiffs' Exhibit 499 to the deposition of Robert Karp (Bates-stamped REYMDL00117613).

9. Attached as **Exhibit 8** is a true and correct copy of Plaintiffs' Exhibit 1096 to the deposition of Scott Herbers (Bates-stamped CVR-0023122).

10. Attached as **Exhibit 9** is a true and correct copy of Defendants' Requests for Production to MVSC (May 25, 2018).

11. Attached as **Exhibit 10** is a true and correct copy of MVSC's Responses and Objections to the Requests for Production from Defendants (June 22, 2018).

12. Attached as **Exhibit 11** is a true and correct copy of Individual and Vendor Class Plaintiffs' Requests for Production to CDK (May 25, 2018).

13. Attached as **Exhibit 12** is a true and correct copy of Individual and Vendor Class Plaintiffs' Requests for Production to Reynolds (May 25, 2018).

14. Attached as **Exhibit 13** is a true and correct copy of CDK's Responses and Objections to the Requests for Production from Individual and Vendor Class Plaintiffs (June 22, 2018).

15. Attached as **Exhibit 14** is a true and correct copy of Reynolds's Responses and Objections to the Requests for Production from Individual and Vendor Class Plaintiffs (June 22, 2018).

16. Attached as **Exhibit 15** is a true and correct copy of the letter from Michael Nemelka to Matthew Provance (November 1, 2018).

17. Attached as **Exhibit 16** is a true and correct copy of the letter from Matthew Provance to Michael Nemelka (November 12, 2018).

18. Attached as **Exhibit 17** is a true and correct copy of MVSC's Amended Responses and Objections to the Requests for Production from Defendants (January 11, 2019).

19. Attached as **Exhibit 18** is a true and correct copy of Defendants' Rule 30(b)(6) Notice to MVSC (February 5, 2019).

20. Attached as **Exhibit 19** is a true and correct copy of excerpts from the transcript of the Rule 30(b)(6) deposition of Don Armstrong (March 20, 2019).

21. Attached as **Exhibit 20** is a true and correct copy of the Expert Damages Report of Gordon Klein (August 26, 2019).

22. Attached as **Exhibit 21** is a true and correct copy of the letter from Leo Caseria to Michael Nemelka (July 18, 2018).

23. Attached as **Exhibit 22** is a true and correct copy of the letter from Ross MacDonald to Michael Nemelka (November 7, 2018).

24. Attached as **Exhibit 23** is a true and correct copy of the letter from Leo Caseria to Michael Nemelka (December 28, 2018).

25. Attached as **Exhibit 24** is a true and correct copy of Plaintiffs' Exhibit 477 to the deposition of Jonathan Strawsburg (Bates-stamped REYMDL00117707).

26. Attached as **Exhibit 25** is a true and correct copy of Plaintiffs' Exhibit 1098 to the deposition of Scott Herbers (Bates-stamped CVR-0017627).

27. Attached as **Exhibit 26** is a true and correct copy of the letter from Christine Bonomo to Leo Caseria (January 4, 2019).

28. Attached as **Exhibit 27** is a true and correct copy of the letter from Michael Nemelka to M. Provance (November 20, 2018).

29. Attached as **Exhibit 28** is a true and correct copy of the letter from Christine Bonomo to Jed Glickstein (December 7, 2018).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 12, 2019

/s/ Michael N. Nemelka
Michael N. Nemelka